

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

<b>BRIAN E. WARD,</b>	)	<b>CASE NO. 1: 21 CV 787</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE DAN AARON POLSTER</b>
	)	
<b>v.</b>	)	
	)	
<b>MEDINA COUNTY SHERIFF OFFICE,</b>	)	<b><u>MEMORANDUM OF OPINION</u></b>
	)	<b><u>AND ORDER</u></b>
<b>Defendant.</b>	)	

*Pro se* plaintiff Brian E. Ward has filed a fee-paid complaint in this case against defendant “Medina County Sheriff Office” seeking relief under 42 U.S.C. § 1983. (Doc. No. 1.) The complaint is unclear but appears to pertain to events occurring in connection with a domestic relations case in the Medina County Court of Common Pleas Domestic Relations Division. On its face, the complaint does not allege a plausible claim over which this Court may assert federal subject-matter jurisdiction. The named defendant “Medina County Sheriff Office” is not an entity subject to suit under § 1983. *See, e.g., Carmichael v. City of Cleveland*, 571 F. App'x 426, 435 (6th Cir. 2014) (finding dismissal of claims against county sheriff's department proper because “a county sheriff's office is not a legal entity that is capable of being sued”).

Generally, where the filing fee has been paid by plaintiff at the outset of the case, the district court may not *sua sponte* dismiss the complaint unless the court gives the plaintiff the opportunity

to amend the complaint. *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999). In accordance with *Apple*, the plaintiff is hereby provided the opportunity to file an Amended Complaint. The plaintiff is instructed to file, and serve, a legally sufficient Amended Complaint within 30 days of the date of this Order. If the plaintiff fails to file an Amended Complaint that sets forth a cognizable claim over which this Court may assert subject-matter jurisdiction, this action may be dismissed without further notice. *Apple*, 183 F.3d at 479; *Catz v. Chalker*, 142 F.3d 279 (6th Cir. 1998).<sup>1</sup>

IT IS SO ORDERED.

*s/ Dan Aaron Polster*

5/6/2021

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DAN AARON POLSTER  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The defendant may respond to any Amended Complaint the plaintiff files in accordance with the Federal Rules of Civil Procedure.